

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

IN RE: JESSE W CAMPBELL  
MALINDA R BEAUCHAMP  
4419 AURELIUS RD  
LANSING, MI 48910

CASE NO: DL-16-02629  
Chapter 13  
HON. SCOTT W. DALES  
Filed: May 11, 2016

Confirmed: January 07, 2017

**TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE**

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

THE PLAN IS CURRENTLY RUNNING 62 MONTHS FROM CONFIRMATION AND IS NO LONGER FEASIBLE. THE TRUSTEE CALCULATES THAT THE PLAN WILL REQUIRE \$2,843.00 MONTHLY TO BRING IT BACK WITHIN 60 MONTHS. FAILURE TO MAKE CONSISTENT PAYMENTS ACCORDING TO THE CHAPTER 13 PLAN. THE LAST PAYMENT OF \$2,739.95 WAS RECEIVED ON DECEMBER 7, 2017. PAYMENTS SHOULD BE \$2,739.95 MONTHLY. THE PLAN ARREARS ARE \$10,741.73.

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtors' Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S. C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

February 06, 2018

/s/ Barbara P. Foley

Barbara P. Foley (P34558)  
CHAPTER 13 TRUSTEE  
229 E. Michigan Ave, Suite 440  
Kalamazoo, MI 49007  
(269)343-0305

This document has been electronically filed with the Court and the Attorney for Debtors and mailed to the Debtors.

Attorney for Debtors:

DAVID LUTZ LAW PC  
6250 ORCHARD LAKE RD  
WEST BLOOMFIELD, MI 48322

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HON. SCOTT W. DALES  
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**NOTICE OF MOTION TO DISMISS**

NOTICE IS HEREBY GIVEN that the Chapter 13 Trustee has filed a Motion to Dismiss in the above captioned proceeding. A copy of said Motion is attached to this Notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

The Debtors may file a written objection to the Trustee's Motion to Dismiss with:

Clerk of the Bankruptcy Court  
One Division Avenue N  
Room 200  
Grand Rapids, MI 49503

AND

Barbara P. Foley  
Chapter 13 Trustee  
229 E. Michigan Ave, Suite 440  
Kalamazoo, MI 49007  
(269)343-0305

In compliance with Local Bankruptcy Rule 9013(d) and Federal Rules of Bankruptcy Procedure 9013 and 9014, said written objection shall be filed within thirty (30) days from the date of service of the Trustee's Motion. If an objection is filed, a hearing will be held on April 12, 2018 at 9:00 am at the Bankruptcy Court, 315 W. Allegan, Room 101, U.S. Post Office & Courthouse, Lansing, Michigan. If a proper objection is not timely filed the Trustee may file with the Court an Affidavit of No Response together with a proposed Order to Dismiss. The Court shall enter the Order without a hearing upon receipt of the Affidavit.

Served by: SP on: 02/06/2018

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CASE NO: DL-16-02629  
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HON. SCOTT W. DALES  
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**PROOF OF SERVICE**

On the date below, I mailed a copy of the TRUSTEE'S MOTION TO DISMISS by regular first class mail to Debtors and electronic service on Debtors' Attorney .

JESSE W CAMPBELL  
MALINDA R BEAUCHAMP  
4419 AURELIUS RD  
LANSING, MI 48910

DAVID LUTZ LAW PC  
6250 ORCHARD LAKE RD  
WEST BLOOMFIELD, MI 48322

I declare that the above statements are true to the best of my information, knowledge, and belief.

Dated: February 06, 2018

/s/ Shannon Poortenga

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Assistant to Barbara P. Foley  
Chapter 13 Trustee  
229 E. MICHIGAN AVE, SUITE 440  
KALAMAZOO, MI 49007  
(269)343-0305